

REMARKS

STATUS

Applicant acknowledges the Advisory Action dated 08/21/2008 wherein Applicant's proposed amendments after final filed 20 July 2008 were not entered. Therefore this Office Action Response is directed at the Final Office Action dated 06/24/2008.

Claims 9-23 were rejected under USC 112, 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9-20 were rejected under 35 USC 102(b) as being anticipated by Garkawe (US 5,226,936).

Claims 21-23 were indicated as allowable if rewritten to overcome the rejections under 35 USC 112, 2nd paragraph and to include all the limitations of the base claim and any intervening claims.

Claims 1-8 were previously canceled.

Claims 9 and 19 have been amended herein.

Claims 9-23 are presented for examination in this response.

APPLICANT'S ARGUMENTS

With regards to the rejection of claims 9-23 under USC 112, 2nd paragraph as being indefinite: Applicant has amended independent claims 9 and 19 to include, in relevant part, wherein the "... outermost steam generator pipes which are the greatest distance from the center axis A are arranged over the entire height of the funnel shaped side walls both with non-reduced pipe diameter and a non-reduced fin width, wherein inner most steam generator pipes with the smallest distance from the center axis A have a reduced pipe diameter and reduced fin width, and steam generator pipes arranged between the outermost and the innermost steam generator pipes form a transition having a first section with reduced pipe diameter and reduced fin width and a second section with non-reduced pipe diameter and non-reduced fin width. "

These amendments are applicable to the appropriate dependent claims. Support for these amendments are provided in the Specification at least at paragraphs [00021] and [00031].

The amended claims more clearly recite the "fin" is the relevant width, where applicable.

Further, center axis A is positioned at the center of the recited encircling wall and extending parallel to the direction of flow of the flow medium. The amended limitations help clarify that the *diameter of the steam generator pipes* AND the *width of the fins* are being claimed because there is a relationship between the distance from the center axis A and the diameter of the steam generator pipes as well as the width of the fins and the height of the funnel-shaped side walls. This allows for more uniform heating of the steam generation pipes even at low flow medium loads or during the startup process.

Further, it is asserted that the instant invention simultaneously uses three (3) distinct non-obvious and unique types of steam generator pipes which have either non-reduced pipe diameter and non-reduced fin width OR a reduced pipe diameter and reduced fin width OR a first section with reduced pipe diameter and reduced fin width and a second section with non-reduced pipe diameter and non-reduced fin width.

With regards to the rejection of claims 9-20 under 35 USC 102(b) as being anticipated by Garkawe:

Applicant has amended independent claims 9 and 19 as explained above. The amended limitations provide, inter alia, that there is a relationship between diameter of the steam generator pipes and the width of the fins with respect to both the distance from the center axis A and with respect to the height of the funnel-shaped walls.

Garkawe fails to teach, the diameter of some of the steam generator pipes and the width of some of the fins are varied with respect to their distance from the center axis A, inter alia. Garkawe explicitly teaches "*The entire separator 40, including the hopper section 44 is formed by a group of continuous, spaced, **constant diameter**, parallel tubes 46* (emphasis added). Further, as best understood by Applicant, Garkawe provides at least a first section of the pipes having a first constant diameter of the pipes and the first section of the pipes having decreasing fin widths (in the top to bottom direction of the separator). Additionally, Garkawe provides a second section of the pipes having a second constant diameter for the pipes and also having decreasing fin widths until the pipes "... are in direct contact with one another negating the need for a fin", see column 5, lines 19-22. The "reduced diameter" referred at column 5, line 28 is the second constant diameter of the pipes in the second section of pipes. This arrangement fails correlate the diameter of the pipes and the width of the fins to the center axis A.

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Garkawe also fails to present three (3) distinct configurations of steam generator pipes as presented in the independent claims of the instant invention.

Additionally, as best understood by Applicant, the passage, at column 5, lines 26-27 "... each tube 46 is swaged at or above this area ..." is referring to the bending of the tubes at or above the area where the width of the fins decrease so much that the adjacent tubes are in direct contact with one another, as taught in column 5, lines 19-23. The tubes are swaged (bent) but the diameter of the tubes remains constant – which is consistent with Garkawe's statement that the invention is formed of constant diameter tubes, as explained above.

The amendments and arguments presented above are applicable to independent claims 9 and 19 and the relevant dependent claims.

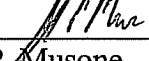
With regard to the indication claims 21-23 would be allowable if rewritten. Applicant has amended the independent claims as explained above in a manner. Applicant feels claims 21-23 are now in condition for allowance.

Conclusion

Applicants respectfully request allowance of the present application in view of the foregoing amendments and arguments. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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